

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

**INFORMATION DISCLOSURE STATEMENT**

**TRANSMITTAL FORM**

---

In re Application of: O'Lenick et al

Serial No:

Filed:

Ref: SUR-002

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

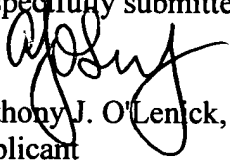
Dear Sir;

Please find enclosed the following components of an information disclosure statement:

1. PTO list of patents cited
2. Discussion under rule 98
3. Cited patents as follows; 6,331,293

Applicant respectfully contends that this package conforms to the provisions of 37 C.F.R. 1.98 and 37 C.F.R. 1.97. Applicant respectfully requests that the information contained herein be considered by the examiner in charge of the case.

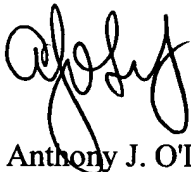
Respectfully submitted;

  
Anthony J. O'Lenick, Jr.  
Applicant  
March 8, 2004  
(678) 442-0210

### **Discussion Under Rule 98**

U.S. Patent 6,331,293 issued December 18, 2001 to Smith et al describes phosphobetaines that are derived from dimer acid. Unlike the compounds of the present invention, these materials are amphoteric surfactants and are barriers when applied to the skin. It is stated that the compounds are "extremely substantitive to human skin and are well tolerated by human tissue making them suitable for use preparation of barrier products for personal care applications". Unlike these materials, the compounds of the present invention are not amphoteric, but are quats, are not barriers but are conditioning agents that do not build up on the hair or skin.

Respectfully submitted;



Anthony J. O'Lenick, Jr.  
Applicant  
March 8, 2004  
2170 Luke Edwards Road  
Dacula, Ga 30019  
(678) 442-0210

